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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/532,576	03/22/2000	Peter W. Hamilton	7995	8660

27752 7590 06/03/2004

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EXAMINER

CHEVALIER, ALICIA ANN

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/532,576

Applicant(s)

HAMILTON ET AL.

Examiner

Alicia Chevalier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-14, 16-18, 20-40 and 42-62 is/are pending in the application.
- 4a) Of the above claim(s) 58-62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-14, 16, 18, 20-35, 39, 40, 42-53, 56 and 57 is/are rejected.
- 7) ☒ Claim(s) 17, 36-38, 54 and 55 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

RESPONSE TO AMENDMENT

1. Claims 1-4, 6-14, 16-18, 20-40 and 42-62 is/are pending in the application, claims 58-62 are withdrawn from consideration. Claims 5, 15, 19 and 41 were cancelled.
2. Amendments to the claims, filed on March 17, 2004, have been entered in the above-identified application.

WITHDRAWN REJECTIONS

3. The examiner's comment, made of record in paper #18, mailed December 19, 2003, page 3, paragraph #7 has been withdrawn due to Applicant's arguments in the response filed March 17, 2004, see page 9, second paragraph.
4. The objection to claim 29, made of record in paper #18, page 3, paragraph #8 has been withdrawn due to Applicant's amendment in the response filed March 17, 2004.
5. The 35 U.S.C. §112 rejections of claims 14 and 15, made of record in paper #18, pages 3-4, paragraph #9 have been withdrawn due to Applicant's amendment in the response filed March 17, 2004.

REJECTIONS REPEATED

6. The 35 U.S.C. §103 rejection of claims 1-4, 6-11, 13, 16, 18, 20, 40, 42-49, 51-53, 56 and 57 as over Hamilton et al. (US Patent No. 5,662,758) in view of Hamilton et al. (US Patent No. 5,968,633) is repeated for reasons previously made of record in paper #18, pages 4-6, paragraph #10.

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7. The 35 U.S.C. §103 rejection of claims 12 and 50 as over Hamilton '758 in view of Hamilton '633 and further in view of Hamilton et al. (U.S. Patent No. 5,871,607) is repeated for reasons previously made of record in paper #18, pages 6-7, paragraph #11.

8. The 35 U.S.C. §103 rejection of claim 21 as over Hamilton '607 in view of Sorensen et al. (U.S. Patent No. 4,889,234) is repeated for reasons previously made of record in paper #18, pages 7-9, paragraph #12.

9. The 35 U.S.C. §103 rejection of claims 22-35 and 39 as over Hamilton '607 in view of Sorensen and further in view of Blanc-Brude (U.S. Patent No. 5,906,883) is repeated for reasons previously made of record in paper #18, pages 9-11, paragraph #13.

Potentially Allowable Subject Matter

10. Claims 17, 36-38, 54 and 55 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

These claims are potentially allowable because they recite features that are not taught or suggested in the prior art of record.

ANSWERS TO APPLICANT'S ARGUMENTS

11. Applicant's arguments the response filed March 17, 2004 regarding the 35 U.S.C. §103 rejection over Hamilton '758 in view of Hamilton '633 of record have been carefully considered but are deemed unpersuasive.

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Applicant argues that Hamilton '633 does not envision bonding a permeable substrate to the back of a film material, as claimed in Applicant's claims 1 and 40, since the permeable substrate of Hamilton '633 is provided to present a cleaning surface.

Claim 1 recites "a permeable substrate layer bonded to said back face of said film" and claim 40 recites "a porous substrate layer bonded to said back face." Hamilton '633 teaches an adherent sheet that is almost identical to that of Hamilton '758 and further comprising adhesive in the wells of the protrusions of the back face of the film and porous fabric material laminated, i.e. bonded, to the back surface (*col. 13, lines 16-43 and figure 10*). Applicant has failed to specifically point out why Hamilton '633 does not envision bonding a permeable substrate to the back of a film material.

Applicant also argues that they do not understand the Examiner's motivation to combine the references. As seen in figure 7 the adherent sheet of Hamilton '633 shows that adhesive can be on both sides of the sheet (*col. 11, line 56 through col. 12, line 10*). Hamilton '633 further discloses the porous fabric overlies and protects the substance, i.e. adhesive, and is sufficiently porous as to not block or significantly impair the ability of the substance, i.e. adhesive, to be dispensed from the sheet material onto the target surface (*col. 13, lines 23-27*). Therefore, one of ordinary skill would be motivated to use Hamilton '633 back face adhesive and porous/permeable fabric on the back face of the Hamilton '758's film so that the Hamilton '758's film would be adherent on both side. Furthermore, one would be motivated to put the porous fabric on the back side in order to protect the adhesive on the back face before use.

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12. Applicant's arguments the response filed March 17, 2004 regarding the 35 U.S.C. §103 rejection over Hamilton '607 in view of Sorensen of record have been carefully considered but are deemed unpersuasive.

Applicant argues that Sorensen is not a three-dimensional substrate as claimed in Applicant's independent claim 21. It is noted that Sorensen was not relied upon to disclose Applicant's three-dimensional substrate. It was relied upon because it was an analogous piece of art, i.e. adhesive article such as labels, that discussed desirable peel forces. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490.

The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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